

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

The Annuity, Pension, Welfare and Apprenticeship
Skill Improvement & Safety Funds of the
International Union of Operating Engineers Local
137, 137A, 137B, 137C & 137R et al.

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

American Tree & Landscape Corp.

08 CIV. 4739

TO: (Name and address of defendant)

American Tree & Landscape Corp.
178 Charles Colman Boulevard
Pawling, New York 12564

JUDGE ROBINSON

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

BRADY McGUIRE & STEINBERG, P.C.
603 WARBURTON AVENUE
HASTINGS-ON-HUDSON, NEW YORK 10706

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MAY 21 2008

J. Michael McMahon
CLERK

DATE

(BY) DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INDEX/CASE #: 08 CIV. 4739

Date Filed: May 21, 2008

Court Date:

*The Annuity, Pension, Welfare and Apprenticeship Skill Improvement & Safety Funds of the International Union of
Operating Engineers Local 137, 137A, 137B, 137C & 137R et. al.,*
vs

Plaintiff(s)/Petitioner(s)

American Tree & Landscape Corp.,

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF ULSTER, SS.:

AFFIDAVIT OF SERVICE

Mark McCumber, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On June 7, 2008 at 12:39 p.m., at Parino's Greenhouse Florist, 178 Charles Colman Boulevard, Pawling, NY 12564, deponent served the within Summons in a Civil Case and Complaint

on: American Tree & Landscape Corp., Defendant therein named.

#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally, deponent knew the person served to be the person described as said person therein.

#2 ENTITY/AGENT ☒ By delivering thereat a true copy of each to Laura O'Connell personally, deponent knew the person so served to be the Managing Agent/Store Manager thereof, and said person was authorized to accept service on behalf thereof.

#3 SUITABLE AGE PERSON ☐ By delivering a true copy of each to a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling house / usual place of abode / last-known residence.

#4 AFFIXING TO DOOR ☐ By affixing a true copy thereof to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling house / usual place of abode / last-known residence. The following service attempts were made:

Address confirmation:

#5 MAIL COPY ☐ On service was completed by mailing a true copy of above document(s) to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" from a depository under the exclusive care and custody of the United States Post Office in the State of New York. ☐ Additional mailing was also sent on same date by Certified Mail.

#6 DESCRIPTION ☒ An approximate description of the recipient (person to whom the papers were given) is as follows:
Sex: Female Color of skin: White Color of hair: Brown Age: 37-41 Height: 5/8-5/10
(Use with #1, 2 or 3) Weight: 150-160 Other Features:

#7 WIT. FEES the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#8 MILITARY/SRVC ☐ Deponent asked person spoken to whether the recipient is currently in the military service of the United States Government or of the State of New York and was informed that recipient is not.

#9 OTHER ☐

Sworn to before me on June 10, 2008

Nicole Simmons

NICOLE SIMMONS (#01S16180797)
Notary Public, State of New York
Resident in and for Ulster County
Comm. Exp. 01/22/2012

Mark McCumber

Mark McCumber

Invoice/Work Order # 0807752